

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0354

STATE OF MONTANA,

Plaintiff and Appellee,

v.

DANNY SARTAIN,

Defendant and Appellant.

FILED

APR 28 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME AND
AFFIDAVIT IN SUPPORT**

The Appellee, State of Montana, respectfully requests an extension of time until June 9, 2010, in which to prepare, serve, and file its response brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 28th day of April, 2010.

STEVE BULLOCK
Montana Attorney General
P.O. Box 201401
215 North Sanders
Helena, MT 59620-1401

By: 

MICHEAL S. WELLENSTEIN
Assistant Attorney General

STATE OF MONTANA)
 : ss.
County of Lewis and Clark)

I, Micheal S. Wellenstein, being first duly sworn upon my oath, depose and state as follows:

1. I am an Assistant Attorney General for the State of Montana and have been assigned to prepare the State's response brief in the above-entitled matter.

2. The Appellee's brief was originally due on April 5, 2010. This Court has previously granted the Appellee one thirty-day extension of time to file its brief. The Appellee's brief is presently due on May 5, 2010.

3. Due to my past and present workload, I cannot meet the present deadline for filing the Appellee's brief. My workload is as follows:

(a) State v. Lewis, Mont. Sup. Ct. No. DA 09-0253, State's brief due on April 29, 2010;

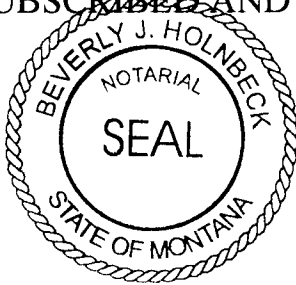
(b) State v. Gonzales, Mont. Sup. Ct. No. DA 09-0431, State's brief due on May 12, 2010; and

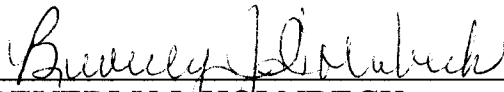
(c) State v. Marble, Mont. Sup. Ct. No. DA 09-0312, State's brief due on May 17, 2010.

Opposing counsel has been contacted concerning this motion, and does not object.


MICHEAL S. WELLENSTEIN

SUBSCRIBED AND SWORN to before me this 28th day of April, 2010.




BEVERLY J. HOLNBECK
Notary Public for the State of Montana
Residing at Helena, Montana
My commission expires April 26, 2011

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing Motion for Extension of Time to be mailed to:

Ms. Nancy G. Schwartz
NG Schwartz Law, PLLC
Attorney at Law
U.S. Bank Building
303 North Broadway, Ste. 600
Billings, MT 59101

Mr. Marty Lambert
Gallatin County Attorney
1709 W. College
Bozeman, MT 59715

DATED: April 28, 2010 